



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,912	09/20/2000	Morihiro Murata	51270-024 5656	5458

7590 01/12/2004
Roger R Wise
Pillsbury Madison & Sutro LLP
725 South Figueroa Street Suite 1200
Los Angeles, CA 90017-5443

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,912

Applicant(s)

MURATA, MORIHIRO

Examiner

Aristotelis M Psitos

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,8,12,18-27,29 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-11,13-17,28 & 30 is/are rejected.
- 7) ☒ Claim(s) 4,8 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2653

DETAILED ACTION

Applicant's response of 10/17/03 has been considered with the following results.

Claim Objections

1. Claims 1,4,6,8,10,12,14,18,22,25,28,29,30,31 are objected to because of the following informalities:

The phrase PMA area is confusing. PMA normally is interpreted in this environment as Program Management Area; hence Program Management Area area is not in idiomatic English. Appropriate correction is required. The dependent claims fall accordingly.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1,2,3,5,6-7,9-11,13-17,28,30,36-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As amended, the independent claims 1, 6, 10,28, 30 now recite in the ultimate paragraph contradictory phraseology leaving the examiner unable to appropriately understand the meet and bounds of the claims in order to appropriately evaluate the prior art.

The ultimate paragraph requires/claims a preserving ability of the identification information and as recited in line 15 of claim 1, "even after all the contents are logically erased from the program area". However, this paragraph now also claims " wherein the frames containing the identification information are erasable from the PMA area and rewritable to the PMA area". Identical language appears in each of the ultimate paragraphs of the above-identified independent claims.

Because the identification information is preserved how then can it be erased? The examiner cannot logically tie these statements together. The dependent claims fall accordingly.

Art Unit: 2653

Claims 14-17 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claim 14 recites in the ultimate paragraph the ability of copying the first frames from subsequent sections while deleting the first frames from the subsequent sections. This is not clearly understood, as to where one is copying such information. Is this to be interpreted as erasing during writing? Applicant's cooperation in further discussing this claim limitation is respectfully requested. The dependent claims fail to clarify the above and fall accordingly.

AS FAR AS THE CLAIMS RECITE POSTIVE LIMITATIONS, THE FOLLOWING ART REJECTIONS ARE MADE.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over either the acknowledged prior art or Lee et al further considered with Inoue and all further considered with either Inoue, Takahashi et al or Mikamo.

With respect to claim 1, the acknowledged prior art (as stated in the specification) discloses previous optical records having both id information and track address information contained in the PMA area. Alternatively, Lee et al discloses such see the discussion with respect to figures 3-7.

Furthermore, applicant as being part of the prior art also acknowledges logical erasing, and such is also taught by the Inoue reference.

With respect to the ultimate paragraph, the examiner interprets such to mean that the identification information is logically erased and then preserved ("unerased").

a) Inoue also discloses at col. 7 line 20 to col. 9 line 36, the ability of retrieving logically erased files.

b) Takahashi et al, at col. 3 lines 57-65 discloses an optical recording & reproducing system, wherein during an "editing" operation, information is logically erased but is also retrievable/recoverable.

Art Unit: 2653

The examiner interprets such as meeting the claimed functionality of the "preserving".

c) Mikamo at col. 9 lines 5-30, discloses the ability to retrieve "logically erased" toc data.

It would have been obvious to modify the base system of either the acknowledged prior art, or Lee et al & Inoue and modify such with the additional teachings from either Inoue, Takahashi et al or Mikamo in order to retrieve logically erased files (containing information therein), so as to recover such as desired.

With respect to claim 29, the hardware listed in this claim is found in the above documents.

With respect to claim 30, the record in the above references is interpreted to be "machine readable" and the processing steps occur as the above system(s) operate, and hence the examiner interprets the claimed limitations to be met.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Ikeda et al or Lee et al.

With respect to these claims,

With respect to claim 2: the ability of having the id information at: predetermined leading section of the pma area" is considered to be taught by either of the above documents – note in Ikeda et al the reading of the serial no. of the disc, hence disc id, or in Lee et al figure 4, which is interpreted to be in the so claimed area.

With respect to claim 10: the ability of having the id information at "a part of a leading section of the PMA area", again the above documents are noted and the examiner interprets that the id frames met this limitation.

It would have been obvious to modify the references as relied upon with respect to claim 1, and further modify such with the above noted teaching from either Ikeda et al/Lee et al, motivation is to place the id frames at the appropriate place in the leading section of the pma area since id information requires less frames than the address information for all the tracks on the disc.

Art Unit: 2653

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 further considered with Misaizu et al.

Claim 3 includes all the limitations of claim 1, plus the additional sectionalization of the frames.

Misaizu et al teaches in this environment the ability of having 10 frame(s) blocks – see col. 5 lines 50 plus.

It would have been obvious to modify the references as stated above in paragraph 3 with the additional ability taught by Misaizu et al so as to decrease the processing time (processing in units of 10 frames).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 further considered with Takeuchi.

Claim 5 includes all the limitations of claim 1, with the additional ability of having the reserving step rewrite the id information at the appropriate condition. The examiner interprets this as being at a condition when an interruption/power lost, etc occurs in a composite disc system having volume identification information temporarily lost due to system failure(s), and having such rewriting as taught by the Takeuchi reference at col. 8 line 1 to col. 9 line 32.

It would have been obvious to modify the references as stated above in paragraph 3 with the additional teaching from Takeuchi; motivation is to provide for lost information.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as relied upon with respect to claim 1 as stated above further with either Ikeda et al or Lee et al.

Claim 6, recites the limitations of claim 1 with the additional requirement that the id frames are located at a leading section of the PMA.

Such is considered to be taught by either Ikeda et al – see the description with respect to reading the disc serial no. information, or Lee et al – see the description of figure 4 thereof.

It would have been obvious to modify the reference as stated above in paragraph 3, with the additional teaching from either Ikeda et al or Lee et al, motivation is to logically arrange the placing of the id frames.

Art Unit: 2653

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 6 above, and further in view of Takeuchi.

The limitations of claim 9 are found in Takeuchi – see the above description in paragraph 6 (with respect to the rewrite ability).

It would have been obvious to modify the references as relied upon with respect to claim 6 as stated in paragraph 7 and further modify them with the above rewrite ability taught by Takeuchi, motivation is to replace lost information.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 6 and further considered with Misaizu et al.

Claim 7 includes the limitations of claim 6 plus the additional required 10-frame sectionalization. Misaizu et al teaches such a sectionalization.

It would have been obvious to modify the references as relied upon with respect to claim 6 as stated in paragraph 7 above further with the above teaching from Misaizu et al, motivation is to reduce the processing time, by processing in block units.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 10 further considered with Misaizu et al.

Claim 11 includes the limitations of claim 10 (already addressed above in paragraph 4) with the additional sectionalization of the frames. Misaizu et al teaches such – see the above description of Misaizu et al as stated above in paragraph 5.

It would have been obvious to modify the references as stated above in paragraphs 3 & 4 with the above teaching as stated in paragraph 5, motivation is to provide for quicker processing time – processing in blocks of 10 frames.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 2 above and as further modified by the teaching from Takeuchi.

Claim 13 includes the limitations of claim 2 wherein the id frames are located at a “part of a leading section of the pma”.

The examiner interprets either Ikeda et al or Lee et al to teach such.

Art Unit: 2653

Ikeda et al with respect to teaching the serial no. of the disc is found preceding the address information, while Lee et al with respect to placing the id information as depicted in figure 4 ahead of the track information. The examiner interprets the frames that contain this information to meet the claim language "located as a part of a leading section of the PMA area".

Claim 13 also includes the ability of rewriting the id frames when the appropriate condition exists.

Takeuchi is relied upon for such as stated above in paragraph 6.

It would have been obvious to modify the references stated above in paragraph 4 with the additional teaching as stated in paragraph 6, motivation is to replace lost information and hence permitting resumption of processing.

Allowable Subject Matter

Claims 4, 8, 12 and 18-27, 29 and 31 are allowable over the art of record. Nevertheless, in accordance with **MPEP 706.03 (k)**, **claim 8 is objected to as being a substantial duplicate of claim 4.**

Hence the examiner recommends canceling one of these allowed claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van Der Enden et al – read –write systems for rewriteable media, Nagase et al, recoverable "logically" erased data, and Utsumi for temporarily storing information into buffer for rewriting.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2653

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Hard copies of the application files are now separated from this examining corps, hence the examiner can answer no questions that requires a review of the file without sufficient lead-time.

Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner
Art Unit 2653



AMP